

LAW OFFICES OF ROBERT P. SPRETNAK  
Robert P. Spretnak, Esq. (Bar No. 5135)  
8275 S. Eastern Avenue, Suite 200  
Las Vegas, Nevada 89123  
Telephone: (702) 454-4900  
Fax: (702) 938-1055  
Email: bob @ spretnak.com  
Attorney for Plaintiff

LEWIS ROCA ROTHGERBER CHRISTIE LLP  
Nicole M. True, Esq. (Bar No. 12879)  
201 East Washington Street, Suite 1200  
Phoenix, AZ 85004-2595  
Telephone: (602) 262-5311  
Fax: (602) 262-5747  
E-mail: ntrue@lrrc.com  
Attorneys for Defendants

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

VICKIE E. DELULLO,  
Plaintiff,

vs.

ELLIS, BANDT, BIRKIN, KOLLINS &  
WONG, P.C. PLAN; and  
UNUM LIFE INSURANCE COMPANY  
OF AMERICA, a Maine corporation,  
Defendants.

Case No.: 2:17-cv-02326-RFB-PAL

**STIPULATION AND ORDER TO  
DISMISS PLAINTIFF'S SECOND  
CLAIM FOR RELIEF**

IT IS HEREBY STIPULATED by and between Plaintiff VICKIE E. DELULLO; Defendant ELLIS, BANDT, BIRKIN, KOLLINS & WONG, P.C. PLAN; and Defendant UNUM LIFE INSURANCE COMPANY OF AMERICA, a Maine corporation, through their respective attorneys of record, that the Second Claim for Relief, for specific performance, as set forth in paragraphs 29 through 31 of Plaintiff's Complaint, is hereby dismissed with prejudice. The claim set forth in Plaintiff's First Claim for Relief specifically has not been dismissed by this stipulation and order.

There shall be no award of attorneys' fees or costs due and owing specifically as a result of this voluntary dismissal of Plaintiff's Second Claim for Relief; however, nothing in this Stipulation shall preclude or limit either party from requesting or being awarded costs and/or attorneys' fees, in

1 whole or in part, in the event that either party is deemed the prevailing party upon the entry of  
2 judgment on the remaining claims that are being pursued in this matter.

3 DATED: 15 November 2017

DATED: 15 November 2017

4 LAW OFFICES OF ROBERT P. SPRETNAK

LEWIS ROCA ROTHGERBER CHRISTIE  
LLP

5 By: /s/ Robert P. Spretnak  
6 Robert P. Spretnak, Esq.

By: /s/ Nicole M. True  
Nicole M. True, Esq.

7 Attorney for Plaintiff

Attorneys for Defendants

8 8275 S. Eastern Avenue, Suite 200  
9 Las Vegas, Nevada 89123

201 East Washington Street, Suite 1200  
Phoenix, Arizona 85004-2595

10  
11 **ORDER**

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13 IT IS SO ORDERED.

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16 RICHARD F. BOULWARE, II  
17 United States District Judge

18 DATED this 30th day of November, 2017.  
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